

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

AMY KOTT-STEPHENS,

Plaintiff,

v.

COMMISSIONER OF SOCIAL  
SECURITY,

Civil Case No. 12-cv-14972  
Honorable Patrick J. Duggan

Defendant.

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**OPINION AND ORDER (1) ADOPTING MAGISTRATE JUDGE'S  
JANUARY 31, 2014 REPORT AND RECOMMENDATION; (2) DENYING  
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT; AND (3)  
GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

On October 16, 2012, Plaintiff filed a Complaint in the District Court for the Middle District of Florida, challenging a final decision of the Commissioner denying Plaintiff's application for disability insurance benefits and supplemental security income. Plaintiff's Complaint was transferred to this District on November 8, 2012. On that date, this Court referred the lawsuit to Magistrate Judge R. Steven Whalen for all pretrial proceedings, including a hearing and determination of all non-dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(A) and/or a report and recommendation ("R&R") on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B). (ECF No. 6.) The parties subsequently filed cross-

motions for summary judgment. On January 31, 2014, Magistrate Judge Whalen issued his R&R recommending that this Court deny Plaintiff's motion, grant Defendant's motion, and affirm the Social Security Commissioner's decision. (ECF No. 26.)

In his R&R, Magistrate Judge Whalen concludes that the administrative law judge did not err in declining to adopt the opinion of Plaintiff's treating psychologist Natalie M. Stamey and therapist Mikki Backman. (*Id.* at 18-19.) Magistrate Judge Whalen further finds substantial evidence to support the ALJ's finding that Plaintiff was not disabled for purposes of the Social Security Act. (*Id.* at 19.) At the conclusion of the R&R, Magistrate Judge Whalen advises the parties that they may object to and seek review of the R&R within fourteen days of service upon them. (*Id.* at 20.) He further specifically advises the parties that "[f]ailure to file specific objections constitutes a waiver of any further right to appeal." (*Id.*) No objections to the R&R were filed.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Whalen. The Court therefore adopts Magistrate Judge Whalen's January 31, 2014 Report and Recommendation.

Accordingly,

**IT IS ORDERED**, that Plaintiff's motion for summary judgment is

**DENIED;**

**IT IS FURTHER ORDERED**, that Defendant's motion for summary judgment is **GRANTED**.

Dated: February 28, 2014

s/PATRICK J. DUGGAN  
UNITED STATES DISTRICT JUDGE

Copies to:

Marc J. Littman, Esq.

Ameenah Lewis, Esq.

AUSA Judith E. Levy

Magistrate Judge R. Steven Whalen